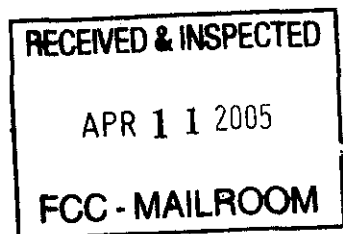




Educational Consortium for
Telecommunications Savings



REQUEST FOR FCC REVIEW

April 6, 2004

Federal Communications Commission
Office of the Secretary
445 – 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6

Request for FCC Review of SLD "Administrator's Decision on Appeal" dated March 22, 2005.

Funding Year: 2004-2005
Applicant Name: Washington County School District (Virginia)
Form 471 Number: 412462
Billed Entity Nr: 126595
Funding Request Nr: 1131912
Contact Information: Robert Beck
133 North State Street
Newtown, PA 18940
Voice: 267-352-0137
Fax: 215-504-5047
E-mail: robertbeck@e-rate-ects.org

Dear Reader:

This letter is being provided to the FCC on a timely basis to request that the FCC review and reverse the SLD's decision to reduce the monthly funding amount for FRN # 1131912 from \$9,924 to \$6,926.14. We are asking that this FRN be funded at the full \$9,924 per month as noted below.

We have been asked by the District to handle their E-rate applications and to represent them in this appeal to the FCC.

No. of Copies rec'd _____
List #CODE _____

History

When the SLD issued its FCDL for Washington County's application Form 471 # 412462 on December 3, 2004, they denied funding for FRN 1131912 for Sprint local and toll service on the basis "...that 30% or more of this FRN includes a request for unsubstantiated charges, which are ineligible per program rules."

On December 30, 2004, we appealed this decision, and the SLD Administrator's Decision was issued on March 22, 2005 (see correspondence, attached). In it, they reversed the original decision and funded the FRN, but at a 30% reduced amount. As stated in the Appeal decision letter, the reason for the reduction was that they used a sample bill to determine the funding amount.

When we appealed the funding denial on December 30, 2004, we provided the reviewer with the entire, 162-page Sprint bill that would substantiate our funding request of \$9,924 per month for local and toll expenses. This particular bill consists of 26 separate accounts, ranging in amounts from \$ 3338.67 to \$23.26 per month, but the Appeals reviewer states that the SLD used just one of those 26 accounts -- for \$ 266.39 -- and multiplied it by 26 to arrive at a lower, adjusted funding amount of \$6,926.14 per month - 30% less than what we requested.

Basis for appeal

We believe there are two factors that should require reversal of the SLD's decision to reduce funding for this FRN:

- **First** - they erred in their method used to verify the monthly funding request amount. There was no reason to select just the bill from 1 of 26 accounts and then multiply it by 26 to calculate a monthly funding amount. (**Note:** the original 'sample bill' of which the reviewer speaks in the decision letter was requested (and provided) to determine the nature of the Centrex expenses, and not in any way to substantiate the amount of the whole bill.)
- **Second** - there has been unequal treatment of this funding request. The usual procedure is to review the entire bill copy -- *which was in their possession at the time of the Appeal review*. So, this is an inconsistent application of the SLD procedures.

Public interest is best served in an even-handed communication and fairness among applicants in the administration of this important funding source for schools. We do not feel that the SLD operated in bad faith, but we do respectfully submit that the outcome needs to be changed in the public interest and in accordance with the objectives of the E-rate Program itself.

The District needs the total funding for its local and toll service, especially during this year of tight budgets for most schools. The loss of funds would adversely impact the students within the District.

Please contact me should you need any further information.

Sincerely,

A handwritten signature in black ink that reads "Robert Beck". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Robert Beck for Washington County Public Schools

Certified Mail # 7003 1010 0002 7097 0553

Return receipt requested

Incl: FCDL dated January 3, 2004 (Pages 1 & 5)
Appeal of FCDL Decision Letter dated December 30, 2004
Administrator's Decision on Appeal dated March 22, 2005



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

March 22, 2005

Robert Beck
Education Consortium
133 North State Street
Newton, PA 18940

Re: Applicant Name: WASHINGTON COUNTY VIRGINIA
SCHOOL DISTRICT
Billed Entity Number: 126595
Form 471 Application Number: 412462
Funding Request Number(s): 1131912
Your Correspondence Dated: December 30, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1131912
Decision on Appeal: **Approved, Funding Reduced**
Explanation:

- In accordance with the FCC decision in the matter of Iroquois West School District 10 (DA 05-54), your appeal has been approved. However, funding has been reduced for reasons cited below.
- Upon review your appeal letter and the relevant supporting documentation, SLD has found that there was an error in determination of your funding request. During the PIA review, you were asked for and provided a sample Centrex bill from one school in the district. That bill was for \$267.39 and it was modified to remove \$1.00 of ineligible directory listing charges for all of the 26 accounts in the District per your instructions. Using the adjusted amount of \$266.39 X 26 (accounts), the amount funded would be \$6926.14/month.

Since the Administrator's Decision on Appeal approves additional funding for your application, SLD will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the services approved for discounts in this letter. SLD will issue the RFCDL to you as soon as possible. The RFCDL will inform you of the precise dollar value of your approved funding request. As you await the RFCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

If the original FCDL approved funding in part for the services covered by this appeal, the 120-day deadline for filing Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RFCDL.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Robert Beck
Education Consortium
133 North State Street
Newton, PA 18940

December 30, 2004

Appeal of FCDL dated December 3, 2004

Sent to

Schools & Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Contact Information

Robert Beck
Education Consortium
133 North State Street
Newtown, PA 18940
267-352-0137 (voice)
215-504-5047 (fax)
robertbeck@e-rate-ects.org

Basis for Appeal

FCDL for Washington County VA School District
812 Thompson Drive
Abingdon, VA 24210
BEN 126595

Funding Year 2004-2005
471 Application Number 412462

Appealing the funding denial for FRN 1131912

Request

This is a timely appeal regarding the funding denial for FRN 1131912 for Sprint local service. We request that this decision be reversed and that the FRN be funded.

I am authorized by the school district to submit this appeal, and am the contact person on the original application.

The reason for the denial is listed in the FCDL as follows: "...that 30% or more of this FRN includes a request for unsubstantiated charges, which are ineligible per program rules."

Explanation

As outlined below, there was no expense information on hand at the SLD to make this determination, nor was it ever asked for other than what was provided on the Item 21 Attachment for this FRN. Two separate PIA staff members reviewed this particular FRN, and at no time were we asked to substantiate the Sprint bill totals for the requested amount of \$ 119,400.00.

I mentioned in two e-mails (on 5/14/04 and 6/30/04 – see copies) to the first reviewer (Bob Sniecinski) that we had complete Sprint bill copies. However, he only asked the nature of the Centrex charges, not to substantiate the amount of the request. As you can see from e-mail copy of June 30, 2004 (attached), Bob asked for a representative bill copy that would give detail on the type of services being provided by Sprint. When I advised him that we had 28 separate accounts with the same provider, and asked if he wanted all 28 sent to him, his request on June 30, 2004 was to just send one representative bill, which I did that same date (see email and fax transmittal record).

After June 30, 2004, I never heard again from Bob Sniecinski. In October, 3 ½ months later, a second PIA reviewer (David Simpson) contacted me again about this district's Form 471 application. David asked some of the same questions that Bob had asked (about the nature of their two Vo-Tech schools as educational facilities – nothing about Sprint), stating that Bob Sniecinski was no longer the reviewer and that he couldn't find Bob's file of our conversations.

The second PIA reviewer did not ask for any additional information about the Sprint FRN in question (i.e., to substantiate the amount requested).

Conclusion

This particular FRN was reviewed by two separate PIA reviewers, and neither one asked us to substantiate the amount of the Sprint bills. I twice mentioned to the initial reviewer that the bills were available - and I offered to send them - but he never requested them. And the second reviewer never raised the question at all.

In applications we have submitted for other districts, we have been asked for complete bill copies to substantiate the expenses requested and given a chance to respond.

Our request for reversal of the funding denial should be approved for two reasons:

1. The SLD had no information on which to base a finding of: "30% unsubstantiated..."
2. We were not asked for this information and were given no opportunity to present it. Since other applicants were given the opportunity to provide substantiation, and we were not, this is unfair treatment requiring redress.

This FRN is for basic local telephone service for the school district, and is a sizeable portion of their annual telecommunication budget. Losing the amount requested will have a detrimental impact on the district and its students. It is within the spirit and intent of the E-rate program to

fund such expenses, and we are requesting that this funding denial be reversed and approved for funding for this FRN.

Thank you for your consideration.

Robert Beck
Education Consortium
E-Rate Contact

Authorized person information

Jason Lester – Manager of Information Technology - 276-739-3060

Attachment:	E-mail message copies	May 14, 2003 (2)
		June 30, 2004
	Fax copy and transmission record	June 30, 2004 (2)
	E-mail message copy	October 30, 2004
	FCDL copy	
	Sprint local telephone service bill copies	



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

December 3, 2004

Robert Beck
WASHINGTON COUNTY VIRGINIA SCHOOL DISTRICT
133 North State Street
Newtown, PA 18940

Re: Form 471 Application Number: 412462
Funding Year 2004: 07/01/2004 - 06/30/2005
Billed Entity Number: 126595
Applicant's Form Identifier: 7WashingtonVARB

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$36,280.26 is "Approved."
- The amount, \$70,446.00 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked withing 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date

FUNDING COMMITMENT REPORT

Form 471 Application Number: 412462
Funding Request Number: 1131864 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143019519 Service Provider Name: Afton Communications Corporation
Contract Number: MTM
Billing Account Number: 5696
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,060.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$3,060.00
Discount Percentage Approved by the SLD: 59%
Funding Commitment Decision: \$1,805.40 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The monthly charge was changed to reflect the documentation provided by the applicant and the dollars requested were reduced to remove the ineligible leasing fees for pagers.

Funding Request Number: 1131883 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143016842 Service Provider Name: Triton PCS Operating Co., LLC
Contract Number: MTM
Billing Account Number: 2763562660
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,404.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$4,404.00
Discount Percentage Approved by the SLD: 59%
Funding Commitment Decision: \$2,598.36 - FRN approved as submitted

Funding Request Number: 1131899 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143008900 Service Provider Name: AllTel Communications
Contract Number: MTM
Billing Account Number: TR 01742
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,068.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$1,068.00
Discount Percentage Approved by the SLD: 59%
Funding Commitment Decision: \$630.12 - FRN approved as submitted

Funding Request Number: 1131912 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143019614 Service Provider Name: Sprint - Local Telephone Divisio
Contract Number: MTM
Billing Account Number: 276-628-1800-252
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$119,400.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$119,400.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Inel. svcs./ or product(s)
Funding Commitment Decision Explanation: 30% or more of this FRN includes a request for unsubstantiated charges which are ineligible per program rules.